

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: COUNTY FACILITIES

DATE: JANUARY 30, 2014

COMMITTEE MEMBERS PRESENT: Others Present:

SUPERVISORS GIRARD
WOOD
WESTCOTT
MONROE
STROUGH

JEFFERY TENNYSON, SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS
FRANK MOREHOUSE, SUPERINTENDENT OF BUILDINGS
ROSS DUBARRY, AIRPORT MANAGER
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
MARTIN AUFFREDOU, COUNTY ATTORNEY
JOAN SADY, CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS BROCK
CONOVER
FRASIER
MCDEVITT
MERLINO
SEEBER
SIMPSON
TAYLOR
MICHAEL SWAN, COUNTY TREASURER
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *THE ADIRONDACK JOURNAL*
SARAH MCLENITHAN, SECRETARY TO THE CLERK OF THE BOARD
PLEASE SEE ATTACHED SHEET FOR ADDITIONAL ATTENDEES

Mr. Girard called the meeting of the County Facilities Committee to order at 9:30 a.m.

Motion was made by Mrs. Wood, seconded by Mr. Westcott and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Ross Dubarry, Airport Manager, who distributed copies of the agenda packet to the Committee members; *a copy of which is on file with the minutes.*

Commencing the agenda review Mr. Dubarry presented a request for a new agreement with the Adirondack Balloon Festival authorizing use of the Airport for their September 19-21, 2014 event.

Motion was made by Mrs. Wood, seconded by Mr. Westcott and carried unanimously to approve the request for a new agreement with Adirondack Balloon Festival as outlined above and the necessary resolution was authorized for the February 21, 2014 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Dubarry requested authorization for Brian Gereau and Derrick Blackmer to attend the Aircraft Rescue Firefighting (ARFF) school in Rochester, NY in April of 2014 utilizing a County vehicle.

Motion was made by Mr. Westcott, seconded by Mr. Monroe and carried unanimously to approve the request as outlined above. *Copies of the Authorization to Attend Meeting or Convention forms are on file with the minutes.*

Mr. Dubarry remarked he was requesting approval of Out-of-State travel for himself to attend the 2014 Airport Conference in Hershey, Pennsylvania from March 3-5, 2014 utilizing a County vehicle.

Motion was made by Mrs. Wood, seconded by Mr. Westcott and carried unanimously to approve the request for Out-of-State travel and the necessary resolution was authorized for the February 21, 2014 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Dubarry requested authorization for Brian Gereau to attend the AAAE International Aviation Snow Symposium Conference in Buffalo, NY from April 26-28, 2014 utilizing a County vehicle.

Motion was made by Mr. Westcott, seconded by Mr. Strough and carried unanimously to approve the request as outlined above. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

In regards to the search for the Runway 30 Land/Easement Map, Mr. Dubarry distributed copies of a power point presentation, which he reviewed in detail; *a copy of which is on file with the minutes.*

Mr. Dubarry advised that the purple, light blue and dark blue shaded areas on page one of the presentation referred to the acquisition areas for runway 30 and the thick black dashed line represented the entire Riley parcel as it looked in 1944. He said page two consisted of the areas that would be acquired through fee simple or aviation easements, the runway protection zone (RPZ) and the runway end sitting surface. He pointed out the area in question known as the Riley parcel was highlighted in black, as it would have appeared in 1944.

Mr. Westcott queried what a runway threshold was and Mr. Dubarry replied the threshold for Runway 30 coincided with the usable pavement. He explained aircrafts landing on Runway 30 could utilize the full pavement length. He said if the obstructions were not addressed the runway would have to be shortened in order to mitigate them.

Mr. Strough asked whether the pavement would have to be shortened and Mr. Dubarry replied in the negative. He clarified the pavement would not have to be shortened; however, he said, the lights and pavement markings would have to be moved and the pavement would need to be repainted to accommodate the revised threshold due to the shorter runway length. Mr. Strough questioned if the area shaded in black was the parcel that theoretically granted an easement in 1944 and Mr. Dubarry replied affirmatively. He explained an easement was granted on the parcel; however, he said, they were unable to determine the boundaries of the easement because of the misplaced map. He pointed out that even if they had been granted an easement over the entire parcel in 1944 it would not have provided the protections currently required.

Mr. Strough questioned what the area highlighted in purple depicted and Mr. Dubarry responded that obstructions contained within that area would require the landing threshold to be displaced. He noted the yellow highlighting depicted obstructions that required removal.

Mr. Monroe questioned what the length of Runway 30 was and Mr. Dubarry replied it was 4,000 feet. Mr. Monroe asked what the easements permitted the County to do and Mr. Dubarry responded the easements would allow the County to remove obstructions, prevent future obstructions and/or mitigate obstructions that can't be removed. As an example, he stated the easement would allow the County to install obstruction lights on a barn that was penetrating the RPZ.

Mr. Monroe queried what the difference between the area shaded in red and the area shaded in

purple was and Mr. Dubarry replied that the red area was the RPZ and the purple area contained the runway end sitting surface. He explained the RPZ needed to be free and clear of all obstructions that penetrated the approach slope. Mr. Westcott questioned what the length of the RPZ was and Mr. Dubarry replied he was unsure. Mr. Westcott asked if any requirements existed that defined how long the RPZ had to be and Mr. Dubarry replied affirmatively.

In response to a question by Mr. Westcott, Mr. Dubarry requested that Chris Brubach, of C&S Engineers, elaborate on the FAA requirements regarding the length of the RPZ. Mr. Brubach stated C&S Engineers had been working as the Counties Airport Consultant for several years. He advised the FAA requirements for the runway were based upon the use of the runway and he explained because Runway 30 was a non-precision instrument runway the RPZ was smaller than that of Runway 1-19 which was classified as precision instrument operation runway.

Mr. Westcott asked what type of aircraft could utilize Runway 30 and Mr. Brubach replied type A & B aircrafts were permitted to land on Runway 30, whereas type C & D could land on Runway 1-19. Mr. Westcott requested Mr. Brubach to detail what types of aircrafts were A & B and C & D. Mr. Brubach explained A & B aircrafts were smaller single engine planes and C & D referred to larger jets such as a Gulf Stream. He said Runway 30 was classified as a cross wind; therefore, he stated, it was permissible for larger jets to utilize the runway. Mr. Westcott questioned whether a G4 or G5 jet could utilize the runway if necessary and Mr. Brubach responded that was determined by the pilot.

Mr. Westcott pointed out that Queensbury Avenue was included in the RPZ and he questioned whether a school bus traveling in that area while a plane was landing could cause a potential safety hazard and Mr. Dubarry replied in the negative. He explained vehicles utilizing the road did not penetrate the air space.

Pages three and four of the presentation, Mr. Dubarry advised, consisted of the FAA policy guidance with regards to land acquisition and easements for the RPZ, which he highlighted. Page five, Mr. Dubarry stated, contained a memorandum received from the FAA in 2012 with regards to guidance on land uses and the RPZ.

Martin Auffredou, County Attorney, advised page six of the presentation consisted of a copy of the 1944 easement granted on the Riley property. He said the easement was filed in Warren and Washington Counties since the parcel included land in both Counties. He pointed out that the document referred to "certain trees, brush and obstructions on the property of the first part as shown on a map prepared by the U.S. Engineers' Office, District, dated August, 1943 shows trees to be cut within the specified area as shown on said map." He continued that later in the easement it said "shown on the map above described which map is to be filed in Warren County Clerk's Office and made a part of this arrangement." He explained the easement itself was filed in the Warren County Clerk's Office; however, he said, the map was never filed in either of the Warren or Washington Counties Clerk's Office.

Mr. Auffredou apprised a team was assembled to perform an extensive search for the map. He said the team tried to determine what types of searches had been conducted in the past, as well as whether the searches should be done again, where they should search, who they should talk to and what areas should be investigated that had not been explored before. He stated the team was unsuccessful in locating the map.

For the record, Mr. Auffredou listed the people and places that were contacted during the search for

the map, as follows:

- Federal Government Level
 - Contacted Ralph Gotto, FAA;
 - Contacted Linda Skale, Army Corps of Engineers, Philadelphia, Pennsylvania;
 - Contacted Gregory Plunges, Archivist, National Archives, New York, NY;
 - Contacted Peter Brauer, Archivist Cartographic Section at National Archives; and
 - Contacted Kevin Bruce, Army Corps of Engineers Project Manager at New York District Upstate Regulatory Field Office
- County Level
 - Reviewed Warren County records, deeds, easements and maps;
 - Conferred with Pam Vogel, Warren County Clerk, to explore ideas and avenues to locate the map;
 - Reviewed the Warren County Board of Supervisors archive records;
 - Reviewed the Warren County Treasurer's archive records;
 - Reviewed the Warren County Airport archive records;
 - Reviewed the Warren County Attorney's archive records;
 - Conferred with Marshall Stevens and Don DeGraw, prior Airport Managers;
 - Reviewed maps at the Airport;
 - Reviewed maps at the Department of Public Works;
 - Contacted Soil & Water Conservation District;
 - Reviewed the estate files of Arthur and James Riley, predecessor owners of the property;
 - Reviewed Washington County records, deeds, easements and maps;
 - Contacted Teri Ross, Town of Queensbury Assessor who in turn reached out to the Town of Queensbury Zoning Department and the Queensbury Town Clerk;
 - Contacted Marilyn Van Dyke, Historian for the Town of Queensbury;
 - Contacted Bob Curtis, City of Glens Falls Clerk;
 - Contacted Colleen Adamec, Town Of Kingsbury Assessor;
 - Contacted Van Dusen & Steves, Surveyors;
 - Contacted CT Male, Engineers and Surveyors;
 - Contacted the Law Firm of Fitzgerald, Morris, Baker, Firth and, Predecessor Law Firm Pam Reardon who handled the estate of Riley matters; and
 - Discussions with Mr. Chartrand and representatives of the Cahill and Sicard parties, as well

Mr. Auffredou advised he felt after considerable time and effort an exhaustive search had been completed. He said that pages seven and eight of the presentation contained correspondence and a memorandum from 1955 in which Albert Beswick, County Attorney at the time, referred to the map to be attached to the easement grant but no map was attached or on file.

Mr. Auffredou apprised the search team located a list of trees from 1955 by number relative to the Airport to be cut. He said without the map he was unable to conclude whether any of the trees were located on the Riley parcel or if any trees on the Riley parcel were ever cut. He pointed out that the trees referenced may no longer be in existence and/or grown because of the time span that had passed since being identified.

Mr. Auffredou deferred to Mr. Dubarry as to whether the standards for an RPZ had changed during the time frame. Mr. Dubarry advised he located a digest of laws affecting aviation in New York State in 1946. He further advised that the purple line on page nine of the presentation was the 7:1 approach surface described in the 1946 digest. He said the orange line represented the 20:1 runway threshold and the blue line signified the 34:1 Title 14, CFR Part 77 approach surface, both of which

were in affect today. He apprised the green lines symbolized the obstructions that penetrated the current RPZ. He pointed out the existing obstructions did not infiltrate the 7:1 approach enforced in 1946.

Mr. Monroe questioned what the minimum glide scope was over Queensbury Avenue and Mr. Dubarry replied he estimated the glide scope to be about 114 feet in elevation in relation to the 7:1 approach. Mr. Auffredou noted because they were unable to find any literature representing standards in 1943 or 1944 he speculated there may have been no standard during that time; however, he said, had the RPZ been designed in 1946 the chart depicting the 7:1 slope would have been the standard that was employed. He pointed out that given the changes in technology and standards since 1943, even if the map was located the easement would not be of much value.

Mr. Westcott questioned whether individual trees had been identified to be trimmed or cut down and Mr. Dubarry responded that the environmental assessment needed to be completed prior to making any such determinations. He said once the environmental assessment was complete, the design phase portion of the project would commence and establish if the area would require clear cutting, selective cutting or tree topping. He noted the FAA had new guidance in effect stating that once FAA grant funds were used to top off trees future grants could not be applied for to maintain topping the same trees.

Mr. Westcott advised he felt that the landowners affected by the easements would want to know which trees on their property would involve clear cutting, selective cutting or tree topping prior to determining an asking price. Mr. Dubarry pointed out when they met with the landowners he advised them the preference was to clear the areas within the RPZ.

Paul Kilmartin, resident of the Town of Queensbury, apprised he owned property at 247 Queensbury Avenue, which was the only private property on the Airport side of Queensbury Avenue. He said he was unhappy with the number of trees that had been cleared around his property without having a prior discussion with him. He said he felt the trees were not in the pathway of the runway. Mr. Dubarry interjected that he had met with Mr. Kilmartin's wife to review the tree removal project with her.

Mr. Dubarry clarified the tree removal Mr. Kilmartin was referring to was performed on Airport property surrounding Mr. Kilmartin's land for the Runway 1 Obstruction Removal Project and did not pertain to the discussion on the Runway 30 Land/Easement. He explained selective tree removal was being performed in which the tall trees were removed and the smaller trees and underbrush were remaining. He said additional landscaping would be completed to plant additional trees along Queensbury Avenue to create a visual barrier.

In response to a question by Mr. Monroe, Mr. Dubarry explained that the Runway 1 Obstruction Removal Project was significantly larger than the project for Runway 30, as the RPZ included a larger scale area. He said in addition to selective tree removal, obstruction lights were installed to allow some of the larger trees to remain. Mr. Girard noted the tree removal performed for the project was not on the Kilmartin property but rather surrounding it.

Mr. Kilmartin advised that although the tree removal was not on his property he was displeased with the tree removal completed on the roadside of the fence. Mr. Girard asked Mr. Kilmartin if any trees had been illegally removed from his property and Mr. Kilmartin replied in the negative.

With regards to the misplaced map pertaining to Runway 30 Land/Easements, Mr. Auffredou

concluded the map would present very little value today as compared to 1943. He pointed out that Resolution No. 691 of 2005 authorized the County to commence civil action with regards to the aforementioned property for a determination of the County's easement rights; however, he said, as per the recommendation of the prior County Attorney no action was ever taken. He recommended the Committee consider rescinding the aforementioned resolution.

Motion was made by Mrs. Wood to rescind Resolution No. 691 of 2005 as outlined above. There was no second to the motion and further discussion on the matter continued.

Mr. Monroe questioned whether any documentation existed to indicate the acquisition of the easements in 1943 was to comply with the FAA requirements at that time and Mr. Auffredou replied in the negative. He explained that the FAA was not in existence at that time; however, he said, the intention had been to comply with the Civil Aeronautics Administration (CAA) regulations in effect at that time. Mr. Monroe suggested the Committee go into executive session at the end of the meeting to discuss the litigation aspect. Mr. Auffredou reiterated he felt Resolution No. 691 of 2005 should be rescinded.

Kathleen Sonnabend, resident of the Town of Queensbury, advised the 1944 easement stated "it is the sole discretion of its Officers referring to the County what trees and brush may be cut or topped, as to remove any buildings or building towers etc." She said there was no reference the easement was granted to adhere to the rules of the time. She pointed out the document indicated it was the sole discretion of the County to determine what trees and/or brush needed to be topped off or removed.

Mr. Girard interjected understood the point Ms. Sonnabend had made, it should be noted that the County was unable to complete the lineage of the exact location of the easement without a copy of the map. He stated without the map it was challenging for the County to commence legal action to enforce the easements. Ms. Sonnabend advised she felt it was irresponsible to rescind Resolution No. 691 of 2005 because the FAA regulations of 1944 were different than those in effect today.

Travis Whitehead, resident of the Town of Queensbury, read a portion of the easement that stated, "signs forever an easement or to enter upon to trim the trees and brush recut, retrim and remove trees and brush, building or buildings, tower or towers, poles, cables or wires or any other obstructions at such times is the sole discretion as its Officers may deem necessary with maintaining and operating all kinds of airplanes and for airships over the property hereinafter described." He noted the runway was in the same location as when the easement was written and therefore, he said, he felt it was necessary to pursue litigation before spending an exorbitant amount of taxpayer money on easements that were already purchased in 1944 for \$1,200.

Mr. McDevitt queried whether the misplaced map was the source of misunderstanding and Mr. Auffredou replied affirmatively. Mr. Auffredou advised he was concerned any ambiguity was going to be construed in favor of the property owner. He reiterated because of the absence of the map the delineation of the easement was unknown.

Mr. Girard suggested the discussion on the airport be tabled to allow the representatives of the Court to present their request and the conversation would resume following the conclusion of the Buildings and Grounds agenda.

Paul Dusek, County Administrator, advised the discussion on expanding the Court space had commenced in 2004; however, he said, due to an economic downturn the discussion had been

tabled. He said because the overcrowding issue had only intensified since then, Kevin Geraghty, Chairman of the Board had determined the court expansion discussion should be revisited in 2014. He stated subsequent to a meeting with the Warren County Judges it was determined that three different types of proposals had been considered in the prior years to address the Court space issue. He said the first one was to construct an additional building, another entailed relocating a portion of the offices located in the Municipal Center Building to the Human Services Building (HSB) and renovating the existing space to accommodate the Courts and the third proposal consisted of a combination of renovation and the construction of new space. He requested the County Judges voice their concerns immediately following a detailed overview of the three proposals by the DPW.

Jeffery Tennyson, Superintendent of the Department of Public Works, advised that the agenda included a copy of the summary of the three proposals that were considered as prepared by Shawn Raymond, DPW Assistant Engineer. He noted that page four of the summary included an aerial view of the Municipal Center with color coding indicating the previous proposals.

Mr. Raymond apprised that three basic formal plans had been developed to address Court Spacing needs. He said the first plan was developed in 2005 by the New York State Unified Court System and included renovating the existing space. He stated the plan would have encompassed renovating the existing area occupied by the Probation Department. He explained that the proposal never came to fruition because it addressed less than half the space requirements of the Courts.

Mr. Raymond stated another plan was developed by the New York State Unified Court System in 2006 that incorporated utilizing the space presently occupied by the Board of Supervisors, the County Administrator's Office and the County Attorney's Office. He said that although the plan addressed the space needs of the Courts it did not include a relocation proposal for the existing office space.

In regards to the third plan developed by Clark Patterson Lee (CPL) architects, Mr. Raymond advised the proposal involved construction of an addition, as well as renovating the existing Court space to improve the utilization of the existing space. He explained that while the plan did not provide the space required by the Courts it would have been better suited for the needs of the Court in 2004.

Mr. Raymond stated the 2005 plan provided less than half of the space required and did not address certain requirements for the Family Court. The plan developed in 2006, he said, addressed the Court space requirements; however, he noted, it did not address relocating the existing offices. He pointed out the two-story layout required modifications to the existing public access to provide secured access to the Courthouse facilities. He advised the CPL plan may provide the Court space needs as identified in 2004; however, he said, the proposal would require modifications for fire safety, a portion of the parking would be lost and the pedestrian pathways would have to be modified and reconstructed. In conclusion, Mr. Raymond suggested performing a new study to determine the Court's current space needs, as he was sure they had expanded since 2004.

Mr. Tennyson advised that due to the many changes and growth in the Court system, as well as the County offices, he felt a new study was necessary to address these changes. He explained that anything relevant from the previous study could be transferred to the new analysis. Mr. Girard reiterated the Court space needs were previously put on hold due to economic constraints; however, he said, he felt it was a priority to revisit those needs in 2014.

Mr. Strough questioned whether there was a floor plan that addressed the specific needs of the Courts and Mr. Girard replied in the negative. He explained that the CPL plan from 2006 required

updating to address the current needs of the Court space.

Supreme Court Justice David Krogmann, advised he had been designated by the Administrative Judge to coordinate the expansion effort and he thanked the Committee for recognizing the severity of the issue. He said the need for additional space had increased significantly since 2004 and the potential for adding additional judges merely intensified the matter. He said he felt a needs assessment was imperative because the Court space requirements had grown considerably since 2004. He pointed out subsequent to the first meeting he attended in regards to expanding the Court space in 2004, the court had not obtained any additional space for their critical needs.

Judge Krogmann apprised Chairman Geraghty had notified him that the Court space expansion would be revisited in 2014. He stated he had attended a meeting with representatives from the County, as well as the Courts to further discuss the matter. He said a number of alternatives for the Court space were discussed such as modifications to the existing space and/or additional County space adjoining the facility, construction of a new facility or an additional facility outside of the current space but adjoining the current Court area and /or a combination of the two. He encouraged anyone who was interested in taking a tour of the Court space to contact his office.

Judge Krogmann noted the following were critical needs: office space and conference areas; solving security problems; the movement of prisoners in public areas which was a public health and safety concern; the need for a jury assembly area room; the chamber areas needed improvement and/or expansion, especially those related to Supreme Court Justice Robert Muller chambers. He pointed out the most crucial area that needed to be addressed was the Family Court space. He reiterated there was a very real possibility there would be an election of an additional Family Court Judge, as well as the need for a new Supreme Court Chambers in 2016.

With regards to financing the expansion, Judge Krogmann apprised New York State no longer had funding available in the budget to assist with paying for the expansion; therefore, he said, the financial burden would fall upon the Warren County taxpayers. He advised the Supreme Court Judge could sign orders directing the County to correct the deficiencies in court space; however, he stated; he felt the correct way to proceed was to continue the discussions with the County and work together to develop a plan to address the needs. He said the presence of the Judges and their respective Staff at today's meeting demonstrated how important they felt the matter was to the residents of Warren County and to the individuals who appear before the various Courts.

County Court Judge John Hall Jr., added he felt it was essential that new Courtrooms were constructed. He pointed out when the building was erected over fifty years ago there were three Judges that proceeded over thirty to forty felony cases annually; however, he estimated, he adjudicated over 320 cases on an annual basis. He advised there were times when there was no court room available to hold court; therefore, he said, he had to hold Criminal Court in alternative places such as the Family Court, the Law Library and in the Support Magistrates Room which generated concerns with security. He pointed out there had been times when he was unable to arraign individuals because of the lack of Court room space which meant the individual would remain in jail rather than being released on their own recognizance or transferred to a State facility to serve their sentence.

Family Court Judge J. Timothy Breen advised the 2005 plan assembled by the Unified Court System that encompassed the Probation Department space was rejected because the Courtroom was not in compliance with the fire codes. He stated both the 2005 plan and the two-story plan proposed in 2006 were cost prohibitive because they required an additional secure entrance. He added the

CPL plan anticipated the Family Court space was relocating; therefore, he said, the square footage proposed was inadequate.

With regards to Family Court, Judge Breen apprised the space was outdated and overcrowded. As an example he stated, a few weeks ago he had to arraign and conduct a follow up proceeding for an individual charged by the Department of Social Services (DSS) with abuse and neglect of his children, as well as killing his wife, which Judge Hall was overseeing. He said due to the lack of security in Family Court, and because the only holding cell was located in the Supreme Court, the Judges had to be moved around so he could preside over the case in the Supreme Courtroom.

Judge Breen noted since there were no separate security areas in Family Court he felt this could lead to a dangerous incident. He stated a Security Officer who tackled an unruly juvenile that was sentenced to detention had a heart attack and was now on permanent disability. He pointed out the juveniles and individuals involved in cases in the Family Court were more volatile today and the volume of cases presided over had greatly increased. He apprised he was an acting Supreme Court Judge so he presided over Supreme Court cases, as well. He said there was a bill pending in the New York State Legislature that proposed adding twenty-two new Judgeships for Family Court and he felt there was a high likelihood in the near future Warren County would have an additional Family Court Judge.

Judge Breen added the Court system was expanding to deal with the increased volume of cases; however, he said, they were working in unsecure situations. He pointed out the Family Court did not have holding cells for juveniles and separate waiting areas for children that were required. He noted The Fund for Modern Courts, a not-for-profit agency, prepared a report in 2010 to attempt to alert elected officials of their observations of deficiencies within the Warren County Family Court. He said some of the highlights of the report were people standing in waiting areas, children mixed in with prisoners, and domestic violence cases with no place to separate the victim from the abuser. He reiterated there was an urgent need to address the lack of Court space and he encouraged anyone interested in observing the issues with the Family Court to attend a session.

Mr. Westcott questioned whether the lack of Court space was causing a backlog in cases and Judge Krogmann replied in the negative. He explained they were able to remain current with their cases because they moved around and conducted Court in various locations such as conference rooms, etc. He pointed out they had daily conferences to determine where to schedule the days proceedings for each Court. He reiterated he felt the probability of a dangerous incident occurring was unavoidable if the Court space issue was not addressed.

Mr. Monroe pointed out one of the reasons the discussion had been tabled in the past was because there was a difference in funding if a new space was built or the exiting space was remodeled; however, he said, this was no longer a cause for debate since the State funding was no longer available. Judge Breen apprised he thought New York State may offer assistance with bonding for new construction and Judge Krogmann interjected he had been advised by the OCA there was no financial assistance available for the renovation/expansion.

Judge Breen pointed out OCA had a Facilities Office that could provide consultation and assistance with developing a plan to address the Courts spacing needs. Judge Krogmann apprised he had requested an individual from the OCA's facilities Office attend the meeting; however, he said, he was advised until the County made a formal commitment to develop a plan, no consultation or assistance would be provided by their Office.

Mr. Monroe advised that although it was a financial burden he felt the issue needed to be addressed. Ms. Seeber stated that she had worked within the criminal justice system and although she was sympathetic to the financial burden she felt it was the County's responsibility to ensure the safety of the individuals involved in Court Proceedings, as well as to treat them with respect and dignity. She pointed out the law required a separation of victims and offenders, as well as the obligation to protect Court employees. She reiterated she felt it was necessary for the County to address the problem.

In reply to a request by Mr. McDevitt, Judge Breen advised he would provide copies of the 2010 report prepared by The Fund for Modern Courts he had previously referenced. Mr. Taylor apprised he was in favor of addressing the issue and added he felt the plan should incorporate updating and/or renovating the Municipal Center and not just the Courts.

Mr. Merlino asked whether a resolution was required committing the County to addressing the issue before the OCA would provide consultation and assistance and Judge Krogmann replied he was unsure. He stated the OCA required some form of a commitment; however, he said, he would be cautious as to what form of commitment the County made.

Joanne Mann, Chief Clerk for the Warren County Court, advised her major concern was when she had to reschedule proceedings because there was no space available to conduct Court. Sally Boivin, Chief Clerk for the Warren County Family Court, stated she was concerned Court proceedings were taking place in the magistrates Courtroom where the tables for both parties that were positioned about six feet from the bench and were not secured to the floor. She said she was certain a hazardous situation would undeniably occur.

Ms. Boivin stated they had outgrown the existing Court space and the need for additional Courtrooms had grown dire. She noted she had grave concerns for the safety of her staff, as the instances where they dealt with inmates, problematic family offense petitions and the violent individuals present in the courtroom had increased dramatically.

Judge Krogmann apprised there was a definite need for a Jury Assembly Room for the criminal and civil trials, as they presently used the Supreme Courtroom for jury orientation due to the lack of available. He pointed out it created a backlog for cases when the Supreme Court was booked for the jury orientation.

Mr. Strough asked whether Judge Krogmann felt the OCA funding for Court renovations would be restored and Judge Krogmann replied that it was very unlikely to occur in the foreseeable future. Mr. Strough questioned whether there was a more suitable time for the Supervisors to tour the facilities and Mr. Krogmann suggested that the Supervisors contact Ms. Mann to schedule a tour.

Mr. Girard suggested the full Board tour the Courts and then schedule a follow-up meeting to discuss how they would like to proceed. Mr. Monroe advised he felt a resolution was necessary to support the commencement of a study so the OCA would provide consultation and assistance with developing a plan of action. Mrs. Wood suggested the resolution include appropriate wording to ensure the DPW or any other appropriate parties could assist with the study. Mr. Auffredou advised he would review the resolution to ensure the language was accurate. Mr. Tennyson pointed out that CPL was available to work in conjunction with the OCA to develop a plan.

Mr. Westcott added he felt it was necessary to commence discussions with the Budget and Finance Committees on how the County anticipated funding such a large scale project. Mr. Dusek advised

he felt this was an appropriate subject matter to discuss at the next Budget Committee meeting. Judge Krogmann added he felt the resolution would be more than sufficient to obtain the assistance of the OCA and he thanked the Committee for listening to their concerns.

Motion was made by Mr. Monroe, seconded by Mrs. Wood and carried unanimously to approve a resolution supporting the expansion and/or renovation of the Court space in the Warren County Municipal Center. *A copy of the resolution request form is on file with the minutes.*

Mr. Conover suggested a time line for the project be developed to depict what needed to be achieved and when it needed to be achieved by. Mr. Girard questioned if there was a preferable time to take a tour of the Courts and Judge Krogmann replied the most appropriate times would be a Wednesday or Friday morning. He suggested the full Board take a tour on a Friday morning before the Board meeting.

The Building and Grounds portion of the meeting concluded at 11:08 a.m. and the Judges and their staff exited the meeting.

Mr. Girard announced the discussion on the Runway 30 Land/Easement Map search matter would continue. He stated due to time restraints the timeline for the execution of the acquisition of the land easements may be delayed until the next Committee meeting. He said since it was determined they had exhausted all avenues in the search for the map a determination needed to be made as to whether the Committee was content with moving forward with the grant process and the amount of money required to obtain the required easements/land acquisitions.

Mr. Girard summarized for the new Committee members what had been completed thus far on the project as follows; numerous meetings were conducted with the FAA, C&S Engineers, etc., appraisals and surveys were finalized and negotiations were completed with the landowners. He stated prior to adjourning the meeting Mr. Westcott would like to review with the Committee a presentation he had prepared with regards to Runway 30. He then asked Mr. Dubarry to provide an update as to the current status of the Runway 30 Project.

Mr. Dubarry advised an environmental assessment for the land acquisition was being completed because the intent was to remove trees with the acquisition. He stated once this was finished they would commence the acquisition required to acquire the land. He said the work completed thus far had been technical support services, negotiations with the land owners and defining how the acquisition was going to appear. He apprised as soon as the environmental assessment was complete they would apply for a grant through the FAA to assist with funding the purchase of the land/easements.

Mr. Girard queried whether the environmental assessment was complete and Mr. Dubarry replied in the negative. Mr. Girard asked Mr. Dubarry to provide an estimate of when the environmental assessment would be finished and the land acquisition/easement process would commence. Mr. Dubarry advised there were some issues that needed to be organized; therefore, he said, he could not provide a firm timeline of when the environmental assessment would be concluded. He apprised the best case scenario would be a June time frame if the FAA made a no significant impact (FONSI) determination. The worst case scenario, he added, would be that the FAA required some surveys and trapping and checking for endangered species which could only be completed during certain times of the year. Mr. Girard questioned what the earliest possible date was for the execution of purchases and Mr. Dubarry responded the earliest date he would bring forth a request to the Committee to apply for the grant to acquire the land would be mid to late September 2014.

Mr. Girard asked Mr. Westcott if he was agreeable to delaying his presentation until the next Committee meeting since the request to apply for the grant to acquire the land would not be for several months and Mr. Westcott replied affirmatively. Mr. Westcott advised most of the issues applied to technical questions that could be attended to at the next Committee meeting.

Mr. Whitehead apprised that while they were unable to find the map associated with the easements granted in 1944 there was a map the FAA required the Airport to retain. He stated he had been advised by Steve Urlass, of the FAA, that there were lines on the above mentioned map. He said that he knew the debate would not be settled in the meeting; however, he advised, he felt it may be corroborative as evidence that an easement on the Riley property was listed on the map. He stated he felt only a judge could determine the outcome of the matter and noted Warren County was obligated by grant assurances as outlined by the Master Agreement Terms and Conditions of Accepting Airport Improvement Grants. He asked the Committee to take into consideration the following information as outlined in the aforementioned agreement before rescinding Resolution No. 691 of 2005, "The sponsor shall take all steps including litigation if necessary to recover Federal Funds spent fraudulently, wastefully, or in violation of Federal anti trust statutes or misused in any matter on which federal funds have been expended."

Referring back to the Map in the power point presentation depicting the Riley property, Mr. Whitehead advised he wanted to clarify the area shaded in blue was the Riley property and the blackened area referred to the estimated easement limit. He stated the estimated cost of the easement they required was \$23,000; however, he said, Mr. Chartrand was only agreeable to selling the entire parcel and not a portion thereof. He pointed out the County was being forced to expend \$855,000 to purchase land that was completely outside of any of the zone requirements. He noted that Mr. Chartrand had just purchased adjoining land at \$2,000 an acre from the Warren-Washington Counties Industrial Development Agency and yet he wanted the County to pay roughly \$17,000 an acre for the aforementioned parcel, which, he said, did not make any sense.

Mr. Auffredou interjected he felt a great deal of information with regards to the negotiations and the reasons why those additional lands were being acquired was missing from the presentation which he felt needed clarification for the record. Mr. Tennyson asked Mr. Whitehead if he would meet with him after the meeting to clarify where the \$23,000 figure originated from, as he felt it was inaccurate and he wanted to ensure Mr. Whitehead had the correct figure. Mr. Auffredou advised he would like to clarify that an inaccurate impression was being made that somehow the owner of the property was "holding the County hostage" for \$855,000. Mr. Westcott advised his presentation contained a chart that he thought would assist with the clarification.

Mr. Girard stated Mr. Whitehead made his presentation and the matter could be further addressed at another meeting. Ms. Sonnabend asked who was involved with the land negotiations, especially with the property owner that wanted \$855,000, and Mr. Dubarry replied he was negotiating with the property owners with the assistance of C&S engineers and consultations from the FAA. Ms. Sonnabend stated she thought the FAA would not reimburse for more than the appraised value and the property was appraised at \$360,000. Mr. Dubarry interjected he did not believe that figure was accurate, as there had been multiple appraisals and updates to them. Ms. Sonnabend apprised she had a copy of an appraisal completed in March of 2012 by New York State that estimated the value of the property to be between \$158,900 and \$467,700 and another one completed in July of 2012 by C&S Engineers that ranged from \$230,000 to \$360,000. She questioned where the \$855,000 figure originated from and reiterated her opinion that this amount was not going to be fully reimbursed by the FAA.

Mr. Tennyson advised he would be happy to report back to the Committee on the specifics of the negotiations and the process that was followed; however, he said, there were many controls enacted that were enforced by Federal Law. He pointed out that although the local appraisers may set forth a value they felt was accurate for the parcel the appraisal was not recognized by the FAA because they were not certified by the Federal Government. He said the appraisal process involved Mr. Dubarry, the consultants acquisition expert employed by the County, the Federally Certified appraiser, and the FAA. He noted when a request to the Committee for land acquisitions was brought forth they had received assurance from the FAA that they were agreeable to the purchase price and would reimburse the County.

Mr. Auffredou questioned whether the FAA had approved the purchase price for the parcels and Mr. Dubarry replied in the negative. He explained that the New York State Department of Transportation Real Estate Division reviewed the appraisals and agreed or disagreed with the valuation and set the amount of just compensation. He continued, the FAA conversations involved what needed to be acquired.

Mr. Auffredou asked how the \$55,000 County contribution figure was calculated and Mr. Dubarry replied that it was the County's 5% share of the total acquisition price. Mr. Auffredou queried whether it was correct that the Committee had been given assurances that the purchase prices were being encompassed by the FAA through the grants, assuming authorization as provided to apply for them and Mr. Dubarry replied affirmatively. Mr. Dubarry noted all of the purchase offers were contingent upon receiving grant funding.

Mr. Auffredou requested that Mr. Dubarry expound upon the additional benefits to the County for acquiring the land outside of the RPZ. Mr. Dubarry explained the negotiations with the FAA had determined that the entire parcel was eligible for purchase because if it was subdivided the parcel was left an uneconomic remnant according to the FAA; however, he said, there was no law advising the County could not sub-divide the parcels outside of areas they had to acquire for the RPZ and use the money for future projects.

Ms. Sonnabend asked Mr. Dubarry to clarify if he was eluding that the FAA would pay the \$855,300 as the acquisition price and Mr. Dubarry replied in the negative. He clarified the FAA had indicated the \$855,300 was eligible for reimbursement under the AIP Program. He noted there was no guarantee of funding until the grant application was submitted and an FAA grant was received. She queried whether the County was obligated to pay the \$855,300 if the grant was not awarded and Mr. Dubarry replied in the negative. He reiterated the purchase price was contingent upon the County receiving the grant.

Mr. Tennyson advised the difference in what was being discussed was whether the FAA was saying the parcel was eligible or whether they thought it was improper. He said FAA programming determined whether the property was eligible for a grant. He stated they had an annual meeting with the FAA to review a five year program. He advised because the FAA had a limited amount of funds and they were managing all of the acquisitions within New York State in order to be eligible for a grant it had to be suitable to their programs. He pointed out the County could possibly reach the land acquisition phase and the FAA would notify them to hold off until the following fiscal year.

Ms. Sonnabend pointed out this may be problematic to the property owner. Mr. Tennyson advised they remained in touch with the property owners during the entire process to keep them apprised of the process. Mr. Auffredou reiterated the County would not be entering into a contract absent a grant. Ms. Sonnabend questioned whether the FAA could award less than what the County applied

for and Mr. Dubarry replied in the negative. He explained the FAA did not award less than what was applied for.

Mr. Westcott stated he had the actual appraisals in his possession, and as per the advisement of Mr. Urlass, of the FAA, he had learned the FAA would reimburse their share up to the authorized appraisal amount. He queried whether the \$1,036,000 proposed purchase was supported by appraisals because the appraisals he received from the County Attorney's Office were about \$500,000 short of that figure. He noted according to the discussion he had with the FAA, the County would have to pay the \$500,000 as part of their share; he added this point was outlined in his presentation which would be reviewed at another meeting.

Mr. Tennyson advised he felt the questions presented were pertinent; however, he said, he was unable to address them at this time. He said he would be pleased to report back to the Committee at a later date as to exactly what the appraisal reports contained and provide an update on the status of the Project. He said he felt the negotiation process and how to proceed with the Charon Trust had been covered in previous Committee meetings. He emphasized offers were not made without prior authorization and receiving assurances from the DOT and FAA. He said he was unsure where the difference in price Mr. Westcott had eluded to was; however, he encouraged anyone with questions or concerns to contact himself or Mr. Dubarry so they could be addressed.

Mr. Dubarry noted the figures were not correct because there had been two updates to the appraisal that Mr. Westcott was referring to. Mr. Westcott requested copies of the updates, as he had been assured the appraisals he had were the most up-to-date. He said he needed to ensure the figures provided were accurate as they pertained to his presentation to guarantee that no difference in the figures existed.

Mr. Girard advised he felt a great deal of time and effort had been expended on the negotiation process to ensure that the proper procedure was followed and the FAA was agreeable to the proposed purchase price. He commended Mr. Dubarry for his diligence throughout the entire process. He pointed out that Mr. Macri had requested more money for his property and they had advised he would be required to obtain an appraisal for the value he was requesting from a Federally Certified appraiser in order for them to consider his request.

Brian Clements, Councilman for Ward 2 in the Town of Queensbury, apprised he was in attendance in support of Paul Kilmartin. He queried whether a buffer was going to be planted to replace the clear cutting of tress that had been completed around the Kilmartin property and Mr. Dubarry replied affirmatively and he advised he had scheduled a meeting with Mr. Kilmartin for the following day to review the landscaping plans for that area and to entertain any requests and/or concerns Mr. Kilmartin had.

As there was no further business to come before the County Facilities Committee, on motion made by Mrs. Wood and seconded by Mr. Westcott, Mr. Girard adjourned the meeting at 11:33 a.m.

Respectfully submitted,
Sarah McLenithan, Secretary to the Clerk of the Board